

POPSF 11.3.17.1 v.1
10/30/08

USEPA SF



1363952

Doc No. 5

KNOW ALL MEN BY THESE PRESENTS, That THE PORT OF PORTLAND

a corporation duly organized and incorporated

under the laws of the State of Oregon, in consideration of the sum of.

One and No/100 (\$1.00) . Dollars,
and other good and valuable consideration, to it paid by the City of Portland, a municipal corporation of the
State of Oregon, does hereby grant unto said City of Portland, the right to lay down, construct and perpetually
maintain a sewer 60 inches in diameter, through, under and along

APPROVED AS TO DESCRIPTION
By *[Signature]*
Served Chairman of Board of Water Division

A strip of land in Section 17, T 1N, R 1E, W.M., being 30 feet
in width and lying 15 feet on each side of the following described
center line;

Beginning at a point in the southwesterly line of N. Basin Avenue,
said point lying 408 feet southeasterly of the northerly terminus of
said N. Basin Avenue as established by street deed recorded on
November 19, 1964 in Book 173 at Page 84, Multnomah County Deed
Records and accepted by City of Portland Ordinance No. 119402;
thence S. 37° 44' 40" W. to a point in the easterly Harbor Line of the
Svan Island Lagoon, all in the City of Portland, County of Multnomah
and State of Oregon.

It is understood and agreed that no building shall be erected upon said premises without the written consent
of the City Engineer, except that nothing shall prohibit the construction of piers,
wharves, docks or similar structures over these premises.

THIS INSTRUMENT does not grant or convey to the City of Portland any right or title to the surface
of the soil along the route of said sewer except for the purpose of laying down, inspecting, restoring and replacing
the same.

IN WITNESS WHEREOF THE PORT OF PORTLAND

Commissioners

pursuant to a resolution of its Board of Commissioners;

duly and legally adopted, has caused these presents to be signed by its

President and

Assistant Secretary, and its corporate seal to be hereunto affixed this 25th day of

May A. D., 1965.



THE PORT OF PORTLAND

By *[Signature]*
President

APPROVED AS TO DESCRIPTION
By *[Signature]*
Served Chairman of Board of Water Division

By *[Signature]*
Assistant Secretary

26464

JUN 25 1965

In April 1965 Memo
COC to CMC.



First American Title Insurance Company of Oregon

An assumed business of TITLE INSURANCE COMPANY OF OREGON

1700 S.W. FOURTH AVENUE, PORTLAND, OR 97201-5512

(503) 222-3651 • FAX (503) 790-7865 or (503) 790-7858

Preliminary Title Report

April 28, 1993

Order No. : 729280

Escrow No. : 931600

Re : Fred Devine Diving & Salvage/
The Marine Salvage Consortium

ALTA Owners Stand. Cov.	\$1,050,000.00	Premium	\$2,180.00
ALTA Owners Ext. Cov.	\$	Premium	\$
ALTA Lenders Stand. Cov.	\$	Premium	\$
ALTA Lenders Ext. Cov.	\$	Premium	\$
Indorsement - 100, 116 & 8.1		Premium	\$
Other		Cost	\$
Govt. Serv. Charge		Cost	\$ 25.00

A consolidated statement of all charges and advances in connection with this order will be provided at closing.

SUPPLEMENTAL REPORT

First American Title Insurance Company
200 SW Market
Suite 1776
Portland, OR 97201

Attention: Marsha Elam
Telephone No.: 795-7600

We are prepared to issue Title Insurance Policy or Policies in the form and amount shown above, insuring title to the following described land:

For legal description see Exhibit "A" attached hereto;

and as of April 20, 1993 at 8:00 a.m., title vested in:

FRED DEVINE DIVING & SALVAGE, INC., an Oregon corporation;

Subject to the exceptions, exclusions and stipulations which are ordinarily part of such Policy form and the following:

1. City Liens, if any, of the City of Portland.

Note: There are no liens as of February 8, 1993.

2. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of the Willamette River and the ownership of the State of Oregon in and to that portion lying below the high water mark thereof.

3. Any adverse claim based upon the assertion that some portion of said land have been removed from or brought within the boundaries thereof by an avulsive movement of the Willamette River or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created.

4. An easement created by instrument, including the terms and provisions thereof;

Recorded : June 25, 1965 in Book 323, page 25
Favor of : City of Portland, a municipal corporation
For : Sewer
Affects : The Southeasterly portion

This report is for the exclusive use of the parties herein shown and is preliminary to the issuance of a title insurance policy and shall become void unless a policy is issued, and the full premium paid.

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5. Covenants, Conditions, Restrictions and Maintenance Assessment, including the terms and provisions thereof, but deleting restrictions, if any, based on race, color, religion or national origin, imposed by instrument,

Recorded : September 17, 1973 in Book 949, page 842

6. Agreement, including the terms and provisions thereof,

Dated : February 13, 1974

Recorded : February 13, 1974 in Book 971, page 1184

Executed by : Fred Devine Diving & Salvage, Inc.

7. Conditions and Restrictions contained in Conditional Use Permit No. CU 24-74,

Recorded : April 18, 1974 in Book 981, page 186

8. Conditions and Restrictions contained in Conditional Use Permit No. CU 31-74,

Recorded : May 6, 1974 in Book 984, page 110

9. Conditions and Restrictions contained in Greenway Permit No. GP 2-84,

Recorded : February 22, 1984 in Book 1728, page 388

10. Trust Deed, including the terms and provisions thereof, given to secure an indebtedness of \$308,406.00

Dated : April 22, 1988

Recorded : May 12, 1988 in Book 2103, page 821

Grantor : Fred Devine Diving & Salvage, Inc.

Trustee : Western Title Company

Beneficiary : Enterprise Leasing Corporation

The beneficial interest under said Trust Deed was assigned by instrument

Recorded : May 16, 1988 in Book 2104, page 508

To : Mitsubishi Bank of California

11. Unrecorded leases or periodic tenancies, if any.

12. A certified copy of the Resolution authorizing the execution of the documents, to be insured which Resolution must be passed by the Board of Directors of Fred Devine Diving & Salvage, Inc., an Oregon corporation, should be furnished for examination.

The resolution should specify the officers authorized to sign on behalf of the corporation.

13. A certified copy of the Resolution authorizing the execution of the documents, to be insured which Resolution must be passed by the Board of Directors of THE MARINE SALVAGE CONSORTIUM, an Oregon corporation, should be furnished for examination.

The resolution should specify the officers authorized to sign on behalf of the corporation.

14. The following matters pertain to Lenders Extended coverage only:

(a) Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose.

(b) Parties in possession, or claiming to be in possession, other than the vestees shown herein.

(c) Statutory liens for labor and/or materials, including liens for contributions due to the State of Oregon for employment compensation and for workman's compensation, or any rights thereto, where no notice of such liens or rights appears of record.

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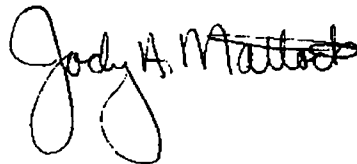
NOTE: This report does not include a search for Financing Statements filed in the office of the Secretary of State, or in a county other than the county wherein the premises are situated, and no liability is assumed if a Financing Statement is filed in the office of the County Clerk (Recorder) covering fixtures on the premises wherein the lands are described other than by metes and bounds or under the rectangular survey system or by recorded lot and block.

NOTE: Taxes for the year 1992-93 paid in full.

Original Amount : \$25,884.26
Tax Amount : \$25,884.26
Code No. : 001
Account No. : 94117-1010

NOTE: We find no judgments against THE MARINE SALVAGE CONSORTIUM.

FIRST AMERICAN TITLE INSURANCE COMPANY OF OREGON

A handwritten signature in black ink, appearing to read "Jody A. Matlock". The signature is stylized with large, flowing loops.

JODY A. MATLOCK
Commercial Title Unit Officer
Assistant Vice President

JAM:cp

cc: Faulkner, Banfield
Attn: William Meyer
cc: The Marine Salvage Consortium
cc: Cable, Huston, Benedict, Haagensen & Ferris
Attn: Laura Walker

EXHIBIT "A"

That portion of Section 17, Township 1 North, Range 1 East, Willamette Meridian, in the County of Multnomah and State of Oregon, described as follows:

Beginning at the terminus of N. Basin Avenue as dedicated and accepted by the City of Portland by Ordinance No. 119402; thence South $52^{\circ}15'$ East, 401.10 feet along the centerline of N. Basin Avenue to the intersection of N. Basin Avenue and N. Ensign Avenue; thence South $37^{\circ}45'$ West 550.00 feet to the true point of beginning; thence North $52^{\circ}15'$ West, 858.23 feet; thence South $37^{\circ}45'$ West, 193.00 feet, more or less, to the mean low water line of Swan Island Lagoon; thence Southeasterly along the mean low water line of Swan Island Lagoon as follows:

South $17^{\circ}00'$ East 93.00 feet; South $50^{\circ}40'$ East 171.00 feet; South $24^{\circ}15'$ East 54.00 feet; South $46^{\circ}45'$ East 80.00 feet; South $60^{\circ}50'$ East 65.00 feet; South $49^{\circ}00'$ East 162.00 feet; South $46^{\circ}35'$ East 220.00 and South $39^{\circ}48'35''$ East 40.03 feet; thence leaving said mean low water line North $37^{\circ}45'$ East 314.00 feet, more or less, to the true point of beginning.